



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,785	11/28/2001	Byoung-ho Choi	1293.1281	8358

7590 11/21/2005
Stein McEwen, & Bui LLP
1400 Eye St. NW
Suite 300
Washington, DC 20005

EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT	PAPER NUMBER
----------	--------------

2652

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,785

Applicant(s)

CHOI ET AL.

Examiner

Peter Vincent Agustin

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,11-14,33,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-8,11-14 and 33 is/are allowed.
- 6) ☒ Claim(s) 43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1, 4-8, 11-14, 33, 43 & 44 are now pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 29, 2005 has been entered.

Claim Objections

3. Claim 44 is objected to because of the following informalities:

Claim 44, line 4: "based a" should be --based on a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 43 & 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (US 6,097,695).

In regard to claim 43, Kobayashi discloses an optical recording medium (Figure 5), comprising: a wobbled track on which user data is recorded, wherein a wobble signal (column 5, line 5) recorded on the wobbled track is a single-frequency signal (column 5, lines 8-9) having

Art Unit: 2652

edge-modulated first header information (column 10, lines 28-31), wherein the edge-modulated first header information is based on a first signal having the single-frequency with a first waveform shape (e.g., Figure 4C, the waveform corresponding to 0) and a second signal having the single-frequency with a second waveform shape (e.g., Figure 4C, the waveform corresponding to 1).

In regard to claim 44, Kobayashi discloses an apparatus (Figure 1) recording a wobble signal on an optical recording medium (Figure 5), the apparatus comprising: a wobble signal generator (Figure 1, elements 6 & 7) generating a single-frequency wobble signal (WB; see also column 5, lines 5-9) having header information which is edge-modulated (column 10, lines 28-31) based on a first signal having the single-frequency with a first waveform shape (e.g., Figure 4C, the waveform corresponding to 0) and a second signal having the single-frequency with a second waveform shape (e.g., Figure 4C, the waveform corresponding to 1); and a recording unit (Figure 1, element 5) recording the wobble signal generated by the wobble signal generator on the optical recording medium.

Allowable Subject Matter

6. Claims 1, 4-8, 11-14 & 33 are allowed over the prior art of record.

7. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art of record, Kobayashi, fails to teach or suggest: in claim 1, an optical recording medium comprising a wobbled track on which user data is recorded; wherein a wobble signal recorded on the wobbled track is a single-frequency signal having edge-modulated first header information, wherein the edge-modulated first header information is based on first and second signals having a same frequency but different edge waveforms.

Art Unit: 2652

Claims 5 & 11 have similar allowable features as claim 1.

Claims 4, 6-8, 12-14 & 33 are dependent upon base claims having allowable subject matter.

Response to Arguments

8. Applicant's arguments on pages 5-6 with respect to claims 1, 4-8, 11-14 & 33 have been fully considered and are persuasive. The previous rejection has been withdrawn.

9. Applicant's arguments on page 6, last paragraph regarding claims 43 & 44 have been fully considered but they are not persuasive.

The Applicant argues that "Kobayashi does not teach or suggest that the two waveforms with the same frequency have different shapes or edges to the waveforms". It should be noted, however, that this is not the claimed language. While claims 43 & 44 recite first and second waveform shapes, there is no recitation that the shapes are different.

Conclusion

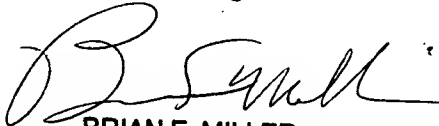
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Vincent Agustin
Art Unit 2652



BRIAN E. MILLER
PRIMARY EXAMINER